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THE Duties of Constables, Borsholders, Tythingmen, and such other lowe Ministers of the Peace.

Whereunto be also adioyned the severall offices of
Churchwardens: of Surueyors for amending the high-
swales: of Distributors of the provision for noisome foule
and Vermin: of the Collectors, Quersers, and Gouvernors of
the House: and of the Wardens and Collectors for the houses
of Correction.

First collected and penned by *William Lambard* of Lincolnes
Inne Gent. 1582. and now enlarged by the same authour, 1587.



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The duties of Constables,
Borsholders, Tythingmen,
and such other lowe mini-
sters of the peace.



Understanding by sun-
drie friendes of mine, The pre-
face.
that manie well dispo-
sed men doe earnestly
wishe, that some one
short and plaine colle-
ction might bee made
of the duties of High Constables, petie
Constables, Borsholders, Tythingmen,
Headborowes, and such like inferiour mi-
nisters of the Quenes Maiesties peace: to
the end that when any of the should be cal-
led to any of the said offices (or the like) they
might the better behaue themselves in do-
ing the same: I haue thought it a thing
worthy the labour, to send abroade among
them this little treatise, which I haue dra-
wen to satisfie in some part their honest de-
sire: heartily praying vnto God, that as
their knowledge may bee increased in the
reading hereof, so also their diligence may
be amended in the practise of the same, to
the setting forth of the glorie of God, and

4 The duties of Constables,

to the aduancement of the Quenes Ma-
iesties seruice in this behalfe.

The diui-
sion of this
worke.

2 And because I purpose (by the helpe
of God) to make this worke so short, and so
plaine withall, as the matter therof it selfe
will suffer me, and as the vnderstanding of
vnlerned men doeth require: I wil first
speake somewhat both of the fundrie names
and beginnings of these officers: and then
afterward I wil go in hand with the parts
of their severall duties.

The
names of
these offi-
cers.

3 The fundrie names of Constables, or
High Constables, that be of Lathes, Rapes,
Wapentakes, hundreds, & Franchises: and
the diuerse names also of Constables, petie
Constables, Tythingmen, Borsholders,
Botocheads, Headboroes, Chiefe pledges,
& such other (if there be any) that beare of-
fice in townes, parishes, hamlets, tythings
or boroes (for of Constables of Castles, o-
therwise called Castellanes, & such others,
I meane not to intreate) are all (in effect)
but two, that is to say, Constables and Bor-
sholders: for these two words do containe
as much as al the rest of those names, and
to those two all the rest of them may be re-
duced: and therefore, in speaking severally
of these two, I will passe along and touch
all the rest also.

Constables
name.

4 The name Constable, is made (as I
haue

hane read) of two English words put together, namely, Cuning, (or Cyng) & Staple, which doe signifie, the stay (or holde) of the king. For by the auncient custome of this realme, there is a great officer, called the Constable of England, who by meanes of the high autoritie that he had, was a principal stay vnto the Kings government: and this man had iurisdiction and authoritie in deedes of Armes, and matters of war, both within and without the Realme. Out of which office, this lower Constablesippe was at the first drawen & fetched, and is (as it were) a very finger of that same hand.

11. R. 2. cap.
12.

13. E. 1.

For the statute of Winchester, which was made in the time of king Edward the first, and by which these lower Constables of Hundreds and Franchises were first ordained, both (amongst other things) appoint, that for the better keeping of the Peace, two Constables in euerie Hundred & Franchise, should make the viewe of Armour. His beginning.

So then the name of Constable in a hundred or Franchise doth meane, that he is an Officer, that supporteth the Queenes Maiestie in the maintenance of her peace, within the precinct of his hundred or franchise: and he is many times called the high Constable, in comparison of the Constables, or Petie Constables, that be in the townes

6 The duties of Constables,

or parishes within his hundred or franchise: whose part it likewise is, to maintaine the peace within the severall limits of their owne townes, or parishes.

Borsholders name

5 As touching Borsholder, (which is the other generall name, & doth containe within it the meaning of Tythingmen, Borowheades, Headborowes, Thirdborowes, and chiefe pledges) that also is made up of these two English words, Borhes, and Ealder, of the which, Borhes betokeneth Pledges, and Ealder signifieth the Chiefe, the Head, or the Ealder: and Borhes-ealder in one word, doth meane the chiefe (or head) of the tithings, or pledges.

His two offices.

6 But now, that you may the better understande what is meant by this, you must further knowe, that euerie of these Borsholders, Tithingmen, Borowheades, Headborowes, Thirdborowes, & Chiefe pledges, hath two severall offices at this day: the one being his auncient and first office, and the other his latter made office.

His first office,

7 His first office beganne thus: by the auncient lawes of this realme (before the coming in of King Williã the Conquerour) it was ordeined, for the more sure keeping of the peace, and for the better repressing of theues and robbers, that all free bozne men shoulde cast themselves into severall companies,

Archaionomia.

panies, by tenne in each companie: and that euerie of those tenne men of the companie, should be suretie and pledge for the fourth-comming of his fellowes: so that if any harme were done by any of these ten against the peace, then the rest of the ten should be amerced, if he of their companie that did the harme shoulde flee, and were not fourth-comming to answer to that wherewith he should be charged.

And for this cause, these companies be yet in some places of England (and namely with vs in Kent) called Boroos, of the saide word Borhes, pledges, or suerties: albeit in the westerne partes of the realme they be commonly named Tythings, because they containe (as I tolde you) the number of tenne men with their families. And euen as tenne times tenne doe make an hundred: so, because it was the also appointed that tenne of these companies shoulde at certaine times meete together for their matters of greater waight, therefore that generall assembly, (or court) was (and yet is) called a Hundred.

Furthermore it was then also ordained, that if any man were of so euill credite, that he could not get himself to be receiued into one of these Tythings or Boroos, then he should be shut vp in prison, as a man unworthy

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worthy to live at libertie, amongst men a
broad.

Tithing-
man.
Headbo-
row, &c.

8 Now whereas every of these Tythings
(or Boroos) did use to make choice of one
man amongst themselves, to speake, & to do,
in the name of them all: he was therefore
in some places called the Tithingman, in o-
ther places the Boroos Ealder, (whom we
nowe call Borsholder) in other places the
Borohead or Headborow, & in some other
places the Chiefe pledge, which last name
doth plainly expounde the other thre that
are next before it: for Head or Elder of the
Boroos, and chiefe of the pledges, be al one.
And in some shires, where everie Thirdbo-
rowe hath a Constable, there the officers
of the other two be called Thirdboroos.

Olde or-
ders in
Tythings.

9 Moreover, in these Tythings (or Bo-
roos) sundrie good orders were observed, &
amongst others: first, that everie man of
the age of 12. yeares should be sworne to
the King: then, that no man should be suf-
fered to dwell in any towne or place, wher-
lesse he were also receined into some such
suretiship & pledge as is aforesaide. Third-
ly, that if any of these pledges were impi-
soned for his offence, then he ought not to
be deliuered without the assent of the rest
of his pledges. Again, that no man might
remoue out of one Tything (or Boro) to
dwell

Isin. Kane.

*Vid. 45.
Ed. 3. 27.
Et Kisch.
Fol. 12.*

shel in an other without lawful warrant in that behalfe. Lastly, that everie of these pledges shoulde yearely be presented and brought forth, by their chief pledge at a generall assembly for that purpose, which we yet in remembrance therof do cal, the View of Franke pledge, or the Lecte court.

10. Whitherto I haue opened the ancient office of the Borholder, Tythingman, & the rest, whereof also there is yet to this day some thewe or remnant in our Lectes or Law daies: but if the verie substance thereof were thoroughly perfourmed (as I know no let, but that by law it may) then shoulde the peace of the land be much better maintained than now it is.

As touching the latter office that these Borholders, Tythingmen, Headboroers, Borroheads, Thirdboroers, & chief pledges haue, it is in manner all one with the office of a Constable of a towne, or parish, which is commonly named a petie Constable, or vnder Constable, because he is a small Constable, in respect of the Constable of his hundred, within whose limit he is. For, as about the beginning of the raigne of King Edward the third, petie Constables were deuised in townes and parishes for the aide of the Constables of the Hundred: so of latter times also, Borholders, Tythingmen, Head-

His latter
office.

10 The duties of Constables.

Headboroes, and such like haue bene blessed as petie Constables within their owne boroes and tythings. And yet not so vniuersally, but that some of them haue at this daie none other but their old office. For in some of the Westerne partes of Englande, you shal see, that where there be many Tythingmen in one parish, there onely one of them is a Constable for the Queene, and the rest do serue but as the auncient Tything men did. Now therefore, hauing spoken of the names and beginnings of these inferiour officers of the peace, let vs also come to the partes of their common and seuerall duties.

Division
of their
office.

11 For as much as a great and chiefe parte of the duetie both of these high Constables, of Lathes, Rapes, wapentakes, Hundreds, and franchises: and also of these Constables, Petie Constables, Tythingmen, Borsholders, Boroweheades, Headborowes, Thirdborowes, chiefe pledges, and such like ministers, by whatsoever other names they be called in any townes, parishes, Tythings, Wozowes, Hamlets, or other places of the Realme, doeth consist in the maintenaunce of the Queenes Maiesties peace, wherein (as also in some other pointes) the power of them all is a like, and but one, within their seuerall

all limits and places of authoritie: therefore I think it good to shew, first what their common and equall dutie is in matters concerning the peace, either by their owne authoritie, or vnder the authoritie of others: then afterwarde to declare, what their common and like dutie is in some other things, not concerning the peace: lastly, to open those things wherein they haue a distinct and seuerall dutie, one from another of them.

11 The Conseruation (or maintenance) of the peace, standeth in three things, that is to say, first, in foreseeing that nothing be doone that tendeth eyther directly, or by meanes, to the breach of the peace: secondly, in quieting or pacifying those that are occupied in the breach of the peace: & thirdly, in punishing such as haue already broken the peace.

Their office concerning the Peace.

And here, least any man shoulde be deceived in not vnderstanding what is meant by these wordes, The breach of the Peace, he must first of al know, that by the breach of the peace, is vnderstande, not onely that fighting which we commonly call the breach of the peace, but also, that euery murder, rape, manslaughter, and felonie whatsoever, and euery affraying (or putting in feare) of the Queenes people, whether it be

What is the breach of the peace.

13 The duties of Constables,

be by vnlawfull wearing of armour or by assembling of people to doe anie vnlawfull act, are taken to bee disturbances or breaches of the Peace.

To prevent things against the peace

13 But now, for the better preventing ^{13.H.7.} that nothing be done against the Peace, as ^{10.Cur.} nie of these Officers aforesaide may take (or arrest) suspected persons, which walke in the night, and sleepe in the day: or which do haunt any house, where is suspicion of banderie: and they may carrie them before a Iustice of the Peace, to finde suerties of their good behaniour. And if any such officer be not of sufficient strength to doe that alone, then may hee take more aide of his neighbours thereto: and they, in such cases, be compellable to helpe and assist him.

*Fitz. in
Inst. Del.
P.171.*

Any of these officers may also arrest such straunge persons as do walke abroad in the night season: and for that cause the said Statute of Winchester did ordain, that ^{13.Ed.1.} night watches should be kept yearely, from the feast of the Ascension untill Michaelmas, by fire men at euerie gate of euerie Citie, by twelue men in euerie Borough towne, and in euerie other towne by fire men, or foure men, or according to the number of inhabitantes in the towne, all the night long from sunne setting to sunne rising: so that if any stranger did passe, he should

should be arrested till the morning, & then set at large (if no suspicion were found of him) but if any suspitiō fel out against him, then he should be imprisoned till he might be lawfully deliuered. And of these watches, the officers befoze named haue the charge within the limites (or places) of their autorities; as the Constable in his towne, the Borholder in his Bozoe, and the high Constable within al his Hundred: and these officers ought to see these Watches duely set and kept, and ought also to cause Hue and Crie to be rayled after such as will not obey the arrest of such watchmen.

Stat. Nov. shamp. 2. Ed. 3. c. 3. Againe, if any person whatsoeuer (except the Queenes seruantes and ministers in her ptesence, or in executing her precepts, or their officers, or such as shall assist them: and except it be vppon Hue and Crie made to keepe the peace, and that in places where actes against the Peace do happen) shall be so bold, as to goe, or ride armed, by night, or by day, in Faires, Markets, or any other places: then any Constable, or any other of the said Officers, may take such armour from him, for the Queenes vse, and may also commit him to the Gaole. And therefore, it shall be good in this behalf, for these officers to stay and arrest all

14 The duties of Constables,

all such persons as they shall finde to carry
Dags, or Pistols, or to be apparelled with
paine coates, or dublets: as by the procla-
mation (made in the one & twentieth yeare
of the raigne of our Soueraigne Ladie that
nowe is) they are specially commaunded. 21. E. 1. Reg.

Furthermoze, if any great assemble, or 17. R. 2. c. 8.
rune of people be made in manner of in-
surrection, then the Shirifes, Constables &
these same other ministers, having know-
ledge thereof, ought to go with the strength
of the county, and to set themselves against
it, and ought also to take and imprison such
offenders.

Lastly, if any man doe threaten to kill Barr. 201.
another, and he which is so threatned doe en Firzh.
pray any of these Officers to arrest the o- 22. Ed. 4.
ther to finde suerties of the Peace: then 35. Brian.
may such an officer arrest him to finde such
suertie before a Iustice of the Peace, and
may also carrie him to prison, if he refuse to
finde it: but if he yelde to goe, it shalbe good
to take the partie threatned, to the Iustice
with him.

To pacifie
& punish
the breach
of the
Peace.

14 Thus much I haue spoken of those
thinges which do bend towards the breach
of the peace: but nowe I will come nearer
to the breach it selfe, and withall to the pa-
rifying and punishing of the same.

Therefore a Constable, or any other 1. H. 7. 7.
of

of the saide officers, shall see any men going about to breake the peace, as by using hoat wordes, by which an Affray is like to grow: then ought such Officer to commaund those persons to auoide vpon paine of imprisonment: and if they will not obey, but shall drawe weapon, or giue any blow, then ought he to do his best to depart them, and to keepe them in sunder: and he may (for that purpose) both vse his owne weapon, and may also call others to assist him. In which doing, if any such officer, or other person comming on his part, doe take hurt, hee shall haue good remedie by action against him that did the hurt: but if any of them that made the Affray, be hurt by such officer, or by any of his companie, then such a hurt person hath no remedie at all for it.

3.H.7.10.
21.H.7.21.
13.Ed.4.9. And if he that maketh an Affray, doe flie into a house, when such an officer commeth to arrest him: then may that officer breake open the doores to take him: and if he that made the Affray, doe flie from thence also, yet may the Officer followe him, & in fresh suite take him, though it bee in another Shire or Countie.

So, if two men be fighting together in a house (the doores being shut) yet may such an Officer breake open the doores to cause the

the peace to be kept, though none of the parties haue taken hurt. And in both these cases, such an officer may carie the before a Iustice of the peace to find Suertie for the peace, because they haue broken the peace already, and are mete to be bounde that they shall not breake it againe.

But if any of the parties to an Affray, *Fitzh. 72. 3^e. Ed. 3. 6. & 22. lib. Ass. 56.* haue receiued any dangerous hurt, then ought such Officer to arrest him that did the hurt, and to carie him to the Gaole, there to remaine till he finde suertie to appeare at the next Gaole deliuerie: otherwise, he may with lesse labo^r carrie him to a Iustice of the peace, or to a Coroner, who ought to take order for such suertie, because the fact may fall out to be Felonie, if so be that he which was hurt do happen to die within one yere and a day next folowing such hurt done vnto him.

And as these Officers ought to arrest *5. H. 7. 6.* those that doe make assault vpon any private persons, so also may they arrest anie such as shall make assault (or Affray) vpon themselves whilest they be in doing their offices: and may for that purpose both lawfully defend themselves, and also take the offenders, & commit them to the Goale, or carrie them to a Iustice of the peace, for the finding of such suertie as is aforesaide.

But

Bar. 101. But if one do assault a man, in, or nigh
in Fish. the high way, to robbe him, and be taken
 by the true man, or by anie other, and be
 brought to the Constable, or such other
 Officer of the place: then ought such Offi-
 cer, not onely to take him to his ward, but
 also to carrie him before a Iustice of Peace
 to cause him to glue suretie for his Good
 abearing.

1 Ed. 3. cap So, if any man doe suspect an other of
14. Murder, or Felonie, and doe declare the
17 Ed. 4. 5. same to any such Officer of the place, then
 such officer may arrest the suspected per-
 son, and hee shall doe well to carrie him to
 a Iustice of the Peace together with him
 that doth suspect him, to that end that they
 both may be examined as appertaineth.

1 Ed. 4. 9. Pen, any of these saide officers may search
 within the limit of his authoritie, for any
 persons suspected of Felonie: for it is a chief
 part of their office to repressse felons.

1 H. 7. 4. 5. And therefore any of these Officers may
 (of his owne authoritie) arrest one that is
 endited of Felonie: So, if the common
 voice and fame be, that A. B. hath done a
 felonie, that is sufficient cause for any of
 these Officers (that shall thereof suspect
 him) to arrest him for it.

And if any person that lies upon Felonie, it
 is the office of the Constable of the towne,

or of anye of these other officers there, to
 seile his goods, and to keepe them safely: for ^{3 Ed. 3.}
 he is to answer for the losse of empying ^{1 sin. Nor-}
 of them, and therefore it is meete that hee ^{shumb.}
 doe it by Inventorie taken in the presence &
 by the testimonie of the honest neighbours.

And I like well of their opinion, which ^{1. H. 7. 7.}
 doe holde, that if information be given to
 any such officer, that a man and a woman
 be in adulterie, or fornication together,
 then the officer may take companie with
 him, and that if he finde them so, hee may
 carrie them to prison.

But this is to be marked, that in the
 cases before, and such like, where such an
 Officer hath arrested, or hath in his ward
 anye offendour that ought to be carried to
 the Gaole, there such an Officer is not ^{3. H. 4. 9.}
 bounde soorthwith to carrie him, but may ^{2. Ed. 4.}
 well for a reasonable tyme keepe him in ^{35.}
 the Stockes, untill that convenient provisi-
 on of strength may be made to conuey him ^{4. Ed. 3. cap.}
 safely thither. And when hee shall bring ^{10.}
 such offendour to the Gaole, then ought
 the Gaoler to receiue the same freely, with-
 out taking any thing of the Officer for it.

Seruing of
 precepts.

15 Hitherto (as you see) I haue spoken
 of the Constable, & of these other Officers,
 so farre onely as they haue authoritie by
 their owne offices, without any comman-
 dement

dement from others. But forasmuch as a great part of their dutie (concerning the peace) resteth in the making of due execution of the preceptes of higher officers, and especially of the Iustices of the peace, who be (as it were) immediatly set ouer them, let vs also see after what manner these Constables, and other the saide inferior ministers of the peace, ought to behaue themselves in that behalfe.

Albeit then, that these saide Officers be subiect to the commandements of the Iustices of gaole delinerte, and of Oier and Terminer, and of some Higher Iustices, yea, and to the preceptes of Coroners also, and of other Officers; in some certayne cases, yet because most commonly they are called vpon by the Iustices of Peace, they ought specially to shewe themselves obedient to their preceptes, who (as it may appeare by some olde presidents) haue autoritie to remoue insufficient Constables, & Borholders, & to substitute able persons in their place. Neither ought these officers to dispute whether their commandements be grounded vpon sufficient autoritie, or no; as knowing that although a Iustice of the peace (which is a Iudge of Record) should direct a Warrant beyonde his autoritie to a Constable, or one other of the saide officers,

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yet that such officer be holde excused for er-
 scutting the same, howsoever that Iustice
 of peate himselfe be blamed for it.

If therefore a Warrant for the Peace,
 or good behaving, happen to be directed to
 any of these saide Officers, then ought hee
 with all spede and secrecie to finde out
 the partie: and then also may he lay his
 hands upon him, and shewe him the mat-
 ter, and require him in the Queenes name
 to goe with him to put in suertie accor-
 ding to the Warrant. And this if the par-
 tie shall refuse to doe, then ought such Of-
 ficer forthwith to arrest him, and to con-
 uey him to prison, without carrying him
 to any Iustice: in which doing, if the par-
 tie shall offer any resistance, or shall seeke
 to escape, then also may such Officer iusti-
 fy the beating, or the hurting of him. 21.H.7.39.

But if the partie shall yelde to goe and
 give suertie, and yet will not goe to such
 Iustice as made out the Warrant, but to
 some other Iustice, then ought such Officer
 to give him that libertie, so that it be not
 farre out of the Limite, for else so great
 trouble might follow upon the Officer, as
 rather he than the offendour might seeme
 to be punished by it. 21.H.7.40.

And here the Officer must take regarde,
 and consider whether the Warrant doe
 come

come directly from the more authoritie of the Iustices of Peace, or else be grounded upon a Writ of *Supplicavit* sent downe from higher authoritie (which difference ought to appeare plainly in all Warrants that be well and orderly made.) And if the Warrant be grounded upon such a Writte, then may such Officer compell the partie to goe to the verie same Iustice or Iustices of Peace that made out the Warrant, and otherwise he may carrie him to prison, as is saide before.

Neither is it requisite, that such an Officer should daunce by and downe after the partie (as manie be to doe) untill hee can find out suerties: but he may lawfully keepe him, untill that he can get suerties to come unto him: the ignorance of which point is the cause, both that many an evil man escapeth, and manie an honest Officer is punished for it.

But here it happeneth manie times, that the partie (hearing that such a Warrant is granted against him) offereth himselfe with suerties, for that cause unto some other Iustice of Peace, or findeth such suretie in some of the Courtes at *Westminster*, and so hath a *Superfedas* readie to shewe such Officer, as commeth to him with a Warrant as is aforesaide. Nowe, if that be

to, then is the Officer discharged thereby, and ought not any further to molest the partie. But yet it shall be good, that such Officer do keepe the *Super sedas* for his better discharge: least otherwise he be called to account for not serving the Warrant that was sent unto him.

If a Warrant be directed to a Constable, or such other Officer, to arrest one that is indicted of Felonie; then may such Officer justify the killing of such a partie, if it so be, that he cannot otherwise take him: or if so be, that he resist, or flee, when he is taken.

22. Lib. Aff.

55.

Coron. 261.

288. 328.

en Firch.

Finally, the Constable, or such other of the said Officers, having arrested any to be conveyed to the Gaole, must take good heed, that he doe not willingly, or negligently, suffer such partie to escape from him. For, if the arrest were for Felonie, then by a willing escape, the Officer himselfe becommeth a Felon also. And of whatsoever other kinde the offence be, if the Officer doe, by his will, or negligence, suffer the partie to escape from him, hee shall be fined for it, according to the quantity of his fault, by the discretion of those that shall be Iudges of it. And least anie such Officer should flatter himselfe, in thinking that he may passe through with some easie

11.H.4.12. *Stanf. 35.* and the Fine, I let him knowe, that the Iudges of his fault may set his fine, equall with the value of all his goods, if in their discretions his fault doe so require.

16 Thus haue I perfourmed the first parte of my promise, and haue shewed what is the equall and like dutie of euerie of these saide Officers in matters concerning the Peace, both by their owne autoritie, and also in doing the commaundementes of the Iustices of Peace: nowe therefore I must goe forwarde to the seconde part of my purpose, and am to declare their like dutie in other pointes of seruice, that doe not concerne the Peace, for, equall power is indifferently giuen to anie of these Officers by some Statutes of the realme, whereof those that followe be the chiefe, and principall.

The equal
dutie of
these Offi-
cers, in
matters
besides the
Peace.

33.H.8.ca. 10. & 37. *H.8. cap. 7.* 17 All Constables, and other the saide Officers, ought to be attendant, aiding, and assisting to the Iustices of Peace, for the execution of all and euerie the actes (made in, or befoze the Parliament, holden in the 33. yeare of the raigne of King Henrie the eight) concerning Reteinors, giuing of Liuceries, Maintenance, Embracerie, Bowestauces, Archerie, Vnlawfull games, Foresters, Regrators, Vittaille, Vittailers, and Inholders, or anie of them, hypon paine

Attendant
for the ex-
ecution of
statutes.

24 The duties of Constables,

that the said Constables, and other the said Officers shall make such Fines, as by two of the said Iustices of Peace shalbe assessed.

Phisitions.

18 All Constables, and other the said Officers within London, or within seven miles thereof, ought (upon request made) to aide and assist the President of the Colledge of the Phisitions in London, & other persons authorized for the due execution of the Statutes made concerning Phisitions, Apothecaries, and Surgeons.

14. H. 8. ca. 4. 5.

32. H. 8. c. 2

1. Ma. parl.

1. cap. 9.

Purueiors.

19 If any person shall (without law, full bargain) purueio or take anie thing of anie of the Quenes liege people, to the vse of anie (other than of the Quene and her house) and thereof notice be given to the Constable, or such other Officer of the place, then such Officer ought (under the paine of twentie pounds) to arrest such taker, and to carrie him to the next prison.

23. H. 6. ca. 14

No Purueyours of the Quene ought to take anie horse, or cart, but by the deliuerie of the Maior, Bailife, Constable, or such other officer of the place whence that taking shall be.

28 H. 6.

stat. 2. c. 2.

Corne ought to be taken for the Quenes house, by stricken measure of eight bushels to the quarter, according as is used throughout the lande: and the takers of all thinges to be taken for the Quenes

25. Ed. 3.

cap. 1.

36. Ed. 3.

stat. 2. ca. 3.

Queenes house, shall make their purche-
ance by the verie values thereof, by the
view of the Constable, or other such Offi-
cers, and by appraisement under oath of
four other good men of the towne, where
the taking shall be: and such taking shall
be made without buying the prisoners by
compulsion, menacing, or other villanie,
to set any other price than their oath will,
and as commonly runneth in the next
Markets.

*2. & 3. P.
& Mar.
cap. 6.* Takers, Undertakers, their Deputies,
or seruantes, shall not take anie Beestes,
Sheepes, Lambes, Calues, or any kind
of Saltfish, or anie kind of graine, or anie
Butter in any vessels, or Cheese, Bacon,
Comes, Pigs, Geese, Capons, or Hens,
but by Commission and a Blanke thereto
for that theyre annexed: in which Blanke,
the said severall things so to be taken, and
the prices of them shall be written, and to
which Blanke the high Constable, Petie
Constable, or Headborowe of the place
where anie such taking shall be, ought to
subscribe his name or signe manuel. And
such taker ought then also to make a brieve
or Docket in writing subscribed with his
name, containing everie of the sayd things
so taken in everie place: and ought then
also (under the paine of a hundred marks)

26 The duties of Constables,

to deliuer the same to the saide High Constable, petie Constable, or Headboroe, who also ought to deliuer it over to the Iustices of Peace at their next general Sessions within that countie.

10 In the takinges for the Queenes house, Tailes (or Indentures) ought to be made & sealed, betwixne the taker and the owner (in the presence of the Constable, or such other Officer, and the preiours of the place) by which Tailes (or indentures) satisfaction ought to be made to the owner for his thinges so taken. 10.Ed.3.
cap.1.

11 If any Taker will make purueyance of any thing (not exceeding the value of fortie s.) & make not readie payment in hand therefore, it is lawfull for the owner to retaine the thing so taken, and to resist such purueyance: and the Constable Tythingman, or Chiefe pledge of the place (being thereto required by the owner) ought to aide and assist such owner in making such resistance, vnder paine to yelde vnto him the valewe of the thing taken, and his double dammages. 10.H.6.c.8

Souldiours.

22 All Constables, and other the Officers abovesaid, of the parish or place, where any of the Queenes Souldiours beyond the seas, being mustered of record, shal happen to arrive, may arrest & stay such souldiours, till 18.H.6.
cap.19.

92
Borholders, Tythingmen, &c. 37

till it be enquired whether they be lawfully
departed from their Captaines, or no.

14. Elca. 9.

23 If the Constable, Tythingman, or Rogues
such other officer, of anie place, be negli-
gent, and doe not his best endeavour, for the
apprehension of al sturle Rogues, or vaga-
bonds, that shall beg, wander, or misorder
themselves within his authoritie, and for
the bringing of the same before a Justice of peace,
but shall suffer any such to escape, then shall
such Constable or Officer forfeite five s.
viij. d. for everie such Rogue.

21. H. 8. c. 2.

22. H. 8.

cap. 14.

32. H. 8. c. 3

24 All Constables and other the sayde Coroners
Officers must be attendant upon Coro-
ners, for the abiding and conveying of
such persons, as shall take the Church-
yarde as a Sanctuarie, for safegard of their
lives, by occasion of anie Felonie by them
done.

All these thinges heretofore rehear-
sed, whether they concerne the preserva-
tion of the Peace, or any other matter be-
sides the Peace, may and ought to be done
and executed indifferently (as I thinke)
by anie of the said Officers within the pre-
cinct of his authoritie: that is to say, as wel
by the high Constable of the whole Hun-
dred or Franchise, within his Hundred
or Franchise, as by the Constable, Petie
Constable, Tythingman, Borholder, Bo-
rothead,

28 The duties of Constables,

roshead, Headborow, Thirdborow, or chiefe pledge, within his towne, parish, tything, Wore, or Hamlet: and that so, as none of them hath more power of office therein than the other, although some of them haue larger limit of place than the rest.

High Cō-
stable of a
Hundred.

But now I am come to such things, as doe severally belong to some of these Officers, so as the other may not meddle therewith, (which is the thirde part of my promise) and therefore I will take that in hande also: and because the Constable of the Hundred or Franchise, is the greatest of these Officers, both in respecte of his larger precinct of place, and also of the higher trust that is committed vnto him, I will begin at him: who, as he is not by and by set alone, but is for some matters no farther authoized than some other of the saide Officers, so I will first beginne at those, and then come to the rest that belong onely to himselfe.

Prisoners.

25 The money appointed to be leuied by the Churchwardens of euery parish each Sunday for the reliefe of prisoners in the Gaole, ought (vnder the paine of five li.) to be payed by them once euery quarter of a yeare to the high Constables, or head Officers of euery Hundred, Riding, Wapentake, towne, or parish: and the saide high
Consta-

14.El.ca.5.

Borholders, Tythingmen, &c. 19

Constables, or head Officers ought (under the pain of five pound) to pay over the same money so to them payed, at the next quarter Sessions of the Peace, to such person as shall be appointed by the Iustices of Peace to receive the same.

14. El. ca. 5.

26 If anie person lawefully appointed by the Iustices of Peace to be Collector for the poore, shall refuse to accept it, or accepting it, shall be negligent therein, he shall lose to the poore of that place forty shillings, which shall be levied by distresse, or recovered by Action by the high Constable, or Tythingman of the place: who also, if hee be negligent, or refuse so to sue within two monethes next after such default, shall lose five pounde.

Collector
for the
poore.

It seemeth to mee, that in these two cases next above, the wordes high Constables high Tythingmen, and head Officers doe exclude Petie Constables, Borholders, and such like to meddle therein: because none are called High, or Head, but in comparison of Low and Base. For as therefore I will speake of matters concerning the high Constable of the hundred alone.

High Cb:
stable a:
lone,

3. El. cap. 4.

27 High Constables of Hundreds in all such Hyzres, where Petie Sessions for servants and labourers (otherwise called statute

Petrie Sessions,

30 The duties of Constables;

the Sessions) were to be kept, before the first day of the Parliament holden in the first year of the reign of our gracious Queen Elizabeth, may yet still hold their said Sessions; so that nothing be done in the, repugnant to the Statute of labourers and servants made in the same Parliament.

Watches
and high
waies,

28 The Constables of hundreds, and of franchises, ought to make presentment to the Iustices of Peace, and to all other Iustices thereto assigned, of the defaultes of watches, and of the defaultes of the Queenes highwayes, not enlarged so, as no ditches, Underwood, or bushes be within two hundred fote on euery side of the same, and also of such as lodge strangers in vplandish townes, for whom they will not answer.

13.E.1.34.
Wynson.

Clothiers.

29 Clothmakers ought to pay the wages of their Carvers and other workfolkes, in laboure money, & not in pins, girdles, or such other things: and to deliuer their wools by faithfull deliuerie & true weight. vnto them to be wrought: vpon paine of forfaiting the treble of the wages not so payed, & five s. for euery deliuer of such excessive weight. And the said Workfolkes ought to do their occupations truly, vpon paine of double damages to the partie grieved. And euery Constable of the Hundred may heare & determine the

4.E.4.c.1.

the complaints aforesaid; by examination of the parties, & may commit to the Gaole such as refuse to pay the sayde Workesfolkes.

24. El. ca. 5.

30. The Constables, or Tythingmen of every hundred, Rape, or Wapentake, in which any abiding place to set the poore people in, shall be appointed by the Iustices of Peace, shall once euery moneth (under the paine of xx. shillings) make a view and search of all the aged, impotent, and lame persons within their authoritie, and all such as they shall finde, not being borne, nor within three yeares next before dwelling within that diuision, (except leprouse and bedread persons) they shall presentlie see conveyed, on horsebacke, in Cart, or otherwise by their discretions, to the next Constable, and so from Constable to Constable, the directest way, till euery of them be brought to the place where hee or she was borne, or most conuersant by the space of three yeares next before, there to remaine in some such abiding place, or otherwise to be provided for.

Poore people

2. & 3. P.
& Mar.
cap. 8. & 5.
El. cap. 13.

31. Estreates indented ought to be made by the Clarkes of the Peace, & by Stewards of Leetes, of all forfeitures ryling in the Sessions of the Peace, or in Leetes, vpon the statutes of Highways: of which Estreates, one part ought to be deliuered yearly

Highways

32 The duties of Constables,

yearely within five weekes after Michaelmas, to the Bailife, or high Constable of the Hundred, Lath, or Wapentake, wherein the default was committed, and the other part to the Constable & Churchwardens of the parish in which the default was made, to the intent, that such Bailife, or Chiefe Constable, may thereby leuie by distresse the same forfeitures, or the double thereof (if no distresse can be found, or if such forfeitures be not payed within thertie daies after a lawful demand of the same by the saide officer) & to the intent also that the saide Constable & Churchwardens of the parish may thereby call the saide Bailife, or High Constable to account before two Iustices of the Peace (the one being of the Quorum) betwene the first day of March & the last of Aprill yearely for the saide forfeitures, which ought by the saide Churchwardens to be bestowed on the Highwaies in their parish. And vpon such account, euerie such Bailife, or High Constable shal haue for his paines viij. s. of euerie pound leuied and payed by him, and may also receive xij. s. for the fee of the Clarke of the Peace or Soteward of the Leete, for euerie such Estreat by any of them deliuered, as is aforesaide.

Constable
of a towne

spert after the Constable of the hundred,

And the Rentake, or Franchise, followeth the Constable of a towne, who is sometimes called a high Constable, so that he hath there a Petie Constable under him, & is sometimes also termed a Head Officer, because in some Corporate townes Constable is part of the name of their Incorporation. And now also because there be sundrie thinges that are by the lawes indifferently referred to him, or to the Tythingman, Boothholder, or such other inferiour officer of the place: therefore I will first set downe those, and then afterwarde speake of the rest that are committed to him only, and to none of them.

33. If a common Inholder, or Alehouse-keeper, will not lodge such as trauaile, the *3. Ed. 4. 3. Acc. for case. B. 76.* Ruler, Constable, or other Officer of the towne, may compell him thereto.

34. No person retained in husbandrie, *3. El. cap. 4.* Seruanres, or in any the Artes appointed by the statute of Labourers (made in the fift yeare of our soveraigne Ladye Queene Elizabeth) may depart, after the time of such retaynour expired out of the Towne or Parish, where he last served, to serve in an other, unlesse hee haue a Testimoniall under the seale of the Constable, or other such Officer, and of two other honest bootholders of the Towne or Parish where he last served,

ned, according to this forme: *Almoner*
 that A. B. late servant of C. D. of E.
 in the countie of K. Husbandman, or Tal-
 ler, &c. is licensed to departe from his
 saide Maister, and is at his libertie to serve
 else where, according to the statute in that
 case made and provided. In witness where-
 of, &c. dated the daie, moneth, yeare, and
 place, of the making thereof. *Whiche* Te-
 stimoniall, the Parson, Vicar, or Curate
 of the parish where such Master, Mistres,
 or vaine both dwell, ought to register, ta-
 king duly y. s. therefor. And if such per-
 son bee accepted into anie other service,
 without shewing such Testimoniall to the
 Constable, or such other Officer, Curate,
 or Churchwarden of the place where he
 shall be accepted, hee shall be imprisoned
 till he procure such a Testimoniall, which
 if he do not within 21. daies next after the
 first daie of his imprisonment, hee shall be
 whipped as a Vagabond.

Laborers.

35 In the time of hay, or cornhar-
 vest, the Constable, or such other Officer
 of any township, upon request made, and
 for assisting the harts of any cozne, graine
 or hay, may cause all such Artificers, and
 persons (as be made to labour) by his dis-
 cretion to serve by the day, for the mow-
 ing, reaping, shearing, getting, or innling
 of

5. El. cap. 4.

Borholders, Tythingmen, &c. - 35

of coone, graine, or hay, according to the
skill and qualitie of the person: and if anye
such person shall refuse so to do, then ought
such Officer (under the paine of foure
shillings) to imprison such refuser in the
Stockes, by the space of two daies and one
night.

18. Elca. 3.

36 Euerie Rogue that shall be apprehended, ought to be conueyed (from the
Iustice of Peace before whome he shall be
brought) by the Constable, or such other
Officer of the parish where the apprehen-
sion shall be, but onely to the Constable,
Tythingman, or other such Officer of the
next towneship, or parish in the next Hun-
dred, and so from one Hundred to an other,
by the Constable, or such other Officer of
euerie such towneship or parish which shall
be next in euerie such Hundred, the direct
way, untill they shall come to the Gaole or
prison appointed for such Rogues: Under
the paine of vs. s. iij. s. for euerie default
of such Constable or Officer.

Rogue.

El. cap. 4.

37 The Constable, Borholder, or other Highwales
such Officer, and the Churchwardens of
euerie parish, ought yearly upon the
Tuesday or Wednesday in Easter weeke,
to call together a number of the parishio-
ners, and to chuse two honest men of
their parish, to be surueyors of the workes
for

for amendment of the highwayes within
their parish leading to any market towne:
and ought then also to appoint the dayes
for the amendment of those highwayes
before Whitsontide, then next following:
and ought openly in the Church, the next
Sunday after Easter, to give knowledge
of the same dayes.

They also ought to have one parte of
the Statutes inserted, and may call the
Ballie or such Constable to Account, con-
cerning the forfeitures, for default of a-
mending Highwayes, as hath already ap-
peared before. And they also, or any of
them may leue by Distresse, and by sale
of such Distresse, all summes of money for-
feited for any cause within the Statute
of Highwayes made in the eighteenth
yeare of the Queenes Maiestie that now is
to be that the Surueyours of High-
wayes, shall not before have leuied and
employed the same, within one yeare next
after the offence committed) and shall yeeld
Account thereof before two Iustices of the
Peace, as is aforesaid.

2. & 3. P.
& Mar.
cap. 8. &
5. Elca. 13.

18 Elc. 10

Highwayes

Hue and
crie.

After such time as the two Iustices of
Peace, have ratably assessed every towne,
and parish towards the payment of the
damages that any person hath recovered
against them of the hundred wherein he
was

27. El. cap.
13.

was robbed hypon the Statute of Rye and
 of Rye: then may the Constable or Headbo-
 rowe, of every such towne and parish, re-
 liable within his limite, take (according to
 their abilities) every dweller in every such
 towne or parish, towarde the payment of
 such assessment made by the Iustices: and
 may also distrein everie person by his goods
 and cattailles that shall refuse to paye the
 same, and may sell the distresse, and re-
 seigne so much thereof as the Taxation shal
 be, and deliver the overplus to the person so
 distrayned. And shal (within ten dayes next
 after he hath levied the saide rates) deliver
 the same to the saide Iustices, or one of the,
 to the use of the partie robbed.

27. El. cap.
 14.

39. The Constable of everie borough or
 market, or other towne, may viewe, search
 & surveigh all such malt as shall be made
 or put to sale there: And if he shall finde, a-
 ny Barly malt, made at anye time (the
 monethes of June, Iulie, and August, onely
 except) but that the same shall have the
 space of thre weekes (at the least) in the
 fatte, flour, steeping and sufficient drying
 thereof, and in those thre monethes, the
 space of xviij. dayes at the least: and if he
 finde any person to put to sale, any good
 malt, mingled with malt not sufficiently
 made, or with malt made of newburned

Making of
 Malt.

27. El. cap.
 14.

27. El. cap.
 14.

for amendment of the highways within
their parish leading to any market town:
and they also to appoint five days
for the amendment of those highways
before Whitsun next following:
and ought openly in the Church, the next
Sunday after Easter, to give knowledge
of the same five days.

They also ought to have one parte of
the Effraies indented, and may call the
same by such Constable to Account, con-
cerning the forfeitures, for default of a
Highway, as hath already ap- ^{2. & 3. P.}
peared before. And they also, or any of ^{& Mar.}
them may leue by Distresse, and by sale ^{cap. 8. &}
of such Distresse, all summes of money for, ^{5. El. ca. 13.}
raised for any cause within the Statute
of Highways made in the eighteenth
year of the Queenes Maiestie that now is ^{18 El. 10}
is (it to be that the Surueyours of High-
ways, shall not before have leued and
employed the same, within one year next
after the offence committed) and shall pay
Account thereof before two Iustices of the
Peace, as is aforesaid.

Hue and
crie.

After such time as the two Iustices of
Peace, haue ratably assessed every towne,
and parish towards the payment of the
damages that any person hath recovered
against them of the hundred wherein he
was ^{27. El. cap.}
13.

was robbed upon the Statute of Hen and Ric: then may the Constable or Headborough, of every such towne and parish, capable within his limite, take (according to their abilities) every dweller in every such towne or parish, towardes the payment of such assessment made by the Iustices: and may also distrein everie person by his goods and cattailen that shall refuse to paye the same, and may sell the distresse, and receive so much thereof as the Taxation shall be, and deliver the overplus to the person so distrayned. And shal (within ten dayes next after he hath levied the saide rates) deliver the same to the saide Iustices, or one of the, to the use of the partie robbed.

27. El. cap.
14.

39 The Constable of everie borough or market, or other towne, may bietime search & surveigh all such Malt as shall be made or put to sale there: And if he shall finde, any Barly malt, made at anie time (the monethes of Iune, Iulie, and August, onely except) but that the same shall have the space of three weekes (at the least) in the fatte, floure, steeping and sufficient drying thereof, and in those three monethes, the space of xviij. dayes at the least: and if he finde any person to put to sale, any good Malt, mingled with malt not sufficiently made, or with Malt made of Mowburned

Making of
Malt.

38 The duties of Constables,

or to put to sale any malt, not sufficiently well trodden, rubbed, and fanned, whereby halfe a pecke of butt or more may be fanned out of one quarter thereof: then may such Constable (with the advice of one Justice of the peace in that shyre) cause the same malt to be sold, to such persons, and at such reasonable prices (under the common price of the market) as to his discretion shall seeme expedient.

All these things last aforesaide, doe pertaine aswell to the charge of a Tythingman, Borsholder, Headborowe, chiefepledge, or such other inferiour officer, as they do to the Constable of such a towne, or parish, that hath any of those other officers there underneath him. But some of other points of charge there be, that belong to such a Constable only, and not to any of them: as to, example,

Weightes
and mea-
sures.

40. Every Citty, Borough, and market towne, that have a Constable, ought also to have common measures sealed, and also common weights sealed, at which the inhabitants may freely weigh.

8.H.6.ca.9
11.H.7.c.4

Marchan-
dize.

41. If any Wollles, or other marchandise, be shipped to the Staple, in any suspected place adjoining to the coast of the water, then Inventures ought thereof to be made betwene the owner, and the Mayor

14.H.6.c.1

or Constable of that place: or otherwise,
such merchandise shall be forfeited.

33.H.3.c.9 The Maior, Shyriues, Bailifes, Vnlawfull
Constables, and other head officers with games.

in every Citie, Borough and towne with
in this realme, where any such officers
be, ought vnder the paine of xl. s. for every

8.H.11.11 default, once every moneth at the least, to
make search (as well within liberties,

as without) in all places where any un-
lawfull games shall be suspected to be kept,

and may arrest and imprison as well the
keepers of such places, as the haunters

3.H.11.11 to the same, till they bee bounde no more
to keepe and haunt such places. And if

any such Head Officers, shall finde or
knowe, that any artificer, craftsman,
husbandman, apprentice, labourer, ser-

uant at husbandrie, iourneyman, or ser-
uant of artificer, or that any mariner,
fisherman, waterman, or servingman,

doth play at the Tables, dice, cardes, ten-
nise, bowles, claff, coiting, logating, or any
nie other unlawfull game, out of Christ-

mas time, or out of their Masters house or
presence in the Christmas time, vnlesse it
be by the licence of such Master as hath

li. by the years, or above, and then also,
that playing he within the precinct of
such Masters house, garden, or orchard:

1.6.c.9
H.7.c.4

H.6.c.1

40 The duties of Constables

then such head Officer may commit such offendour to ward, till he shall be bound by Obligation to the Queenes use (in such manner as to the discretion of such Officer shall be thought reasonable) that he shall not from henceforth use such unlawful games.

Bridges.

43. Whose four Justices of Peace, that be authorized by the Statute to make taxat[i]on of money for the amendment or mure decayed bridge in the High water, ought to make that Statute, by the assent of the Constables, or of two of the most honest inhabitants, of every Willeme or parishes.

Vessels.

44. In all Cities, Boroughs, & townes, where there be Wardens of Cowpers, the Mayors, Shirifes, Bailifes, Constables, or other head Officers there, have power to search, view, and gauge, barrells, killicks, stinks, and other vessels, to be made there, and to take such advantage thereby, and in such manner, as by the Wardens of Cowpers within the City of London may be taken in their behalfs.

Hattes & Cappes.

45. The Mayors, Shirifes, Constables, and other head Officers of any place, to take swollen hats, bonnets, or cappes, (being made out of this Realme) shall be brought, ought (upon knowledge thereof to them to be given, by the Customer of such

such place, or his deputie) to wine, ale, or
any Customer or deputie in the sale of
any hattes, bonnets, or caps, for such pur-
ces, as by the statute are limited, upon
paine to forfeite xx. li. for everie time that
they shall be remitted in such sale. And in
all these cases also, last before re-
hearsed, it seemeth that Borholders, Ty-
thingmen, Headboroes, and other such (be-
ing in colonies, or parishes, underneath
Constables that be there) cannot meddle,
because such Constables be, in comparison
of them, called Head Officers. And of this
course before written, it may well appeare,
that Borholders, Tythingmen, Headbo-
roes, Boroeheds, Thirdboroes, and chiefe
pledges, whether they be there the onely
Officers for the peace, or be underneath Co-
stables, may without their Borowes, Ty-
things, or Hamlets, doe many thinges
that the others may do: and that there are
many other points which those other Offi-
cers may doe, and wherewith these Bor-
holders and the rest cannot meddle at all.
And therefore, to avoide idle repetition of
matters already spoken, I say shortly, that
if an under Borholder, Tythingman, Head-
boroe, Boroehed, Thirdboroe, or Chiefe
pledge, will see what belongeth to him to
doe,

The con-
clusion.

44 The duties of Constables

he must looke before upon all such cases, where his power is declared to be as well (for those pointes) with the power, either of a High Constable of the Hundred, or a Constable of a towne or parish, for in all such things he hath to deale as well as they: But where any thing be- fore is shewed to pertaine only to the high Constable of a Hundred, or onely to the Constable, or chiefe or head Officer of a towne, or parish, there such a Bortholder, Tythingman, or any of the rest, hath no- thing to do with it.

And thus having opened so shortly and plainly, as I could, the duties of all these said ministers of the peace, I doe shut up this worke: desiring those that shall

take anie profite of this labor,

to yeeld thanks to God

the most liberall

giver.

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Borholders, Tythingmen, &c. 43

For the more ease of euery of these Officers, in finding out of that which particularly belongeth to them, I haue diuided this treatise before into 46 Articles (or parts) by which eche of these Officers may readily come to at that which belongeth to his owne charge, if he will marke this Table following, for;

The High Constable of the Hundred, Rape, Franchise, or Wapentake, hath to dole with all those matters, that be contained within any of these Articles, that is to say,

Article		Concerning
1.	2.	His name.
3.	4.	His beginning.
11. 12. 13.	14. 15.	The peace to be kept, and seruing of warrants.
16. 17. 18.	19. 20. 21.	Execution of Statutes, Phylitties, Purueyors, Rogues,
22. 23. 24.	25. 26.	Coroners.
27. 28. 29.	30. 31. 46.	Prisoners, poze, petty sellions, Watches, highwaies, clothiers, poze, highwaies.

And the Constable of a Towne, or parish, hath his part in all such things as be expessed in any of these Articles.

Articles

44 The duties of Constables, &c.

Articles	Concerning
1	His name and beginning.
2	Keeping of the Peace: Ser-
3	ving of Warrants: Ere-
4	cution of Statutes: Phil-
5	lites: Sheriffs: Sol-
6	licitors: Rogues: Coroners.
7	Prisoners: Colleaguers for
8	the poore: Servants or la-
9	bourers: Rogues: High-
10	wayes: Weights & mea-
11	sure: Merchandise: Un-
12	lawfull games: Bridges:
13	Vessels: Hattes & Caps.

And everie Borsholder, Tythingman, Borochead, Headboroe, Thirdboroe, and chiefe pledge, may for his Boroe, or Tything, learne his office by these Articles:

Articles	Concerning
1	His name beginning: first
2	Office: latter Office.
3	Keeping of the Peace: Ser-
4	ving of Warrants: Ere-
5	cution of Statutes: Phil-
6	lites: Sheriffs: Solici-
7	tors: Rogues: Coroners.
8	Servants and labourers:
9	Rogues: Highwayes:
10	Wayes & Cries: Salt.

The

The dutie of Churchwardens.

The dutie of Churchwardens.

wardens.

wardens.



Vpon the point of the Statutes before, concerning the Offices of Constable and Burdholder, I found them mingled together.

Office of Churchwardens

perceiuing that these duties pertaining to the Churchwardens of parishes: the Surveyours of the highwaies: the Distributors of the provision for the destruction of vermine: the Collectors and Overseers for the poore: and the Wardens and Collectours for the houses of Correction: whereby I was also moued to adde somewhat of these Offices, the rather because I was perswaded, that with that little more of labor, I might do a great deale more of good, seeing that thereby the plaine countryman should (after a sort) be furnished with all manner of vnderstanding (in the temporall lawe) needefull for the exercise of any of those Offices that may lightly fall vpon him.

First therefore, I will speake of the Churchwardens office, but that so farre forth onelie, as the common lawes and Statute

16 The Burie of Churchwardens.

Statute lawes of the Realme do leade me,
knowing that such other parts of that Of-
fice as do rest upon the Lawes Ecclesia-
sticall, be from time to time sufficiently
both taught and called bypon, by those that
have the Execution of the same.

Office of,
Church-
wardens,
by the co-
mon lawe.

These Churchwardens of Parishes be
taken (in favour of the Church) to be for
some purposes a manner of Corporation
at the common law: that is to saye, Per-
sons enabled by that name, to take moue-
able goods, or chattels; and to sue, and bee
sued at the law, concerning such goods,
for the use and profite of their parish. And
therefore, a man may well in his life time
give, or by his last will bequeath, money,
or other moueable things, to the Church-
wardens or to the parishioners of a Pa-
rishe, either for the reparation of their
Church, or towarde the buying of bookes,
Communion cuppes, linnen clothes, or
other decent ornaments or furniture for
the Church. Which manner of gift is so
much favored in the Lawe, that it is not
altogether needfull in such a gift, for a
man to use expresse wordes, or writing.
For if a man do buy a Bell, & do hang it up
in the Steeple, or do make a Pewe, and do
set it up in the Church, and doe neither
make anie word or writing thereof, yet is
this

11.H.7
ultima.

Lib. Invar.
fol. 576.

The dutie of Churchwardens. 45

11.H.4.12 This Well or Bedde, by this dedicated or gi-
8.H.7.12. ven to the Church.

37.H.6.30
34.
11.H.4.12
3.E.4.6. polve, although Churchwardens
shall have none Action at the common
lawe to recover a legacie, or such other
thing which they never had: yet neverthe-
lesse, if any such goods, or ornaments of
the Church be once in their possession and
custodie, then shall they maintaine an Ap-
peale of robberie against him that stea-
leth them, or an Action of Trespasse a-
gainst him that shall wrongfully take
them away, though it be the Vicar, or
Parson himselve, and the damages that
they shall recover thereby, shall be to the
use and benefit of the Parish, and not to
their owne use. But if those Churchwar-
dens (from whom the goods were so tak-
en) shall happen to die, before any Acti-
on by them brought for the goods, yet shall
the next Churchwardens have Action
for the same.

They shall
have Acti-
on. and if
the bene-
fit should
be to the
parish

First na. br.
91.K.
19.H.6.66
al. contrar.

3 And forasmuch as these Churchwar-
dens be officers, put in trust for the be-
hoofe of their parish, therefore also are
they not enabled with any other power,
than for the good and profite of the parish.
So that Churchwardens can neither give
away, nor release, at their owne pleasure,
the goods of the Church. For if the Pari-
shioners

They may
not waste
the church
goods.

48 The dutie of Churchwardens.

Hardy vs. T.
They may
be removed,
and
brought to
account.

shioners shall know that they doe unpardonably waste, or mispende the goods of the Parish: then may the parishioners such Churchwardens, by making the inchoise of new: warden Officers may (by Action of account) call to account the former Churchwardens: and shall thereby compell them, both to give reckoning of their doings during their office, and also to make satisfaction to the use of the Parish, for the harmes that it hath received by their fault. And although the usage and custome of the Parish be, that the Churchwardens there shall continue in their Office, by the space of one whole yeare, or two yeeres, or more (as indeede some Parishes haue such customes) yet upon such, or the like misdemeanour founde in them, may the parishioners at all times procede to an Election of newe Churchwardens, & may remoue the olde, for that otherwise they haue no means by our Lawe to call them to their Account, but by such as shall be put in their place. Nevertheless, these former Churchwardens shall (upon the making of such their Account) haue allowance of all needefull summes of money, or other thinges, which they haue expended, either upon the reparation of the bodie of the Church, or for the provision of mete and lawfull ornaments

8.E.4.6.

26.H.8.5.

or other furniture of the Church or Parish: because they are compellable (by the Ecclesiasticall Lawes) so to laie forth the goods of the Parish committed to their custodie and charge. They shall haue allowance also (vpon such their Account) of the money payed by them for reliefe of prisoners in the common Gaole, by vertue of the Statute 14.El.c2.5. (and of whatsoeuer other thing that they are by lawe chargeable to do.

4 This (in effect) is the power and charge that the common lawe doeth giue to Churchwardens: for, as touching any estate in landes, or the profits of any lands, Churchwardens haue not to meddle at all: In so much, that if the walles, windowes, or doores of the Church, be broken, or the trees in the Churchyarde be cut downe, or the grasse thereof be eaten vp, then the Parson, or Vicar (and not the Churchwardens) shall haue the Action for it: because Churchwardens are not by lawe allowed to be a Corporation for any other thing, than for moueable goods onelie. Now therefore I wil shewe how their office is increased by a fewe Statute lawes, that doe concerne the same.

They haue
not to doe
with lands,

11.H.4.13. Action for it: because Churchwardens are

12.H.7.27. not by lawe allowed to be a Corporation

13.H.7.9. for any other thing, than for moueable goods onelie.

Now therefore I wil shewe how their office is increased by a fewe Statute lawes, that doe concerne the same.

Church-
wardens

5 All persons inhabiting within the office, by
Queenes the Statute.

D.

50 The dutie of Churchwardeins.

Repaire
to the
Church.

Queenes maiesties Dominion, shall dili- *5. El. cap. 2.*
gently and faithfullly (having no lawefull
or reasonable excuse to be absent) indenour
themselves to resort to their parish Church
or Chappell accustomed, or (vppon reaso-
nable let thereof) to some vsuall place
where common praier and such service of
God (as is contained in the booke of com-
mon praier). shall be vsed in such time of
let, vpon euerie Sunday and other dayes
ordayned & vsed to be kept as holie dayes:
and then and there to abide orderly and
soberly, during the time of the common
prayer, preachings, or other service of God,
there to be vsed and ministred, vpon paine
of punishment by the Censures of the
Church, and also vppon paine that euerie
person so offending shall forfeit for euerie
such offence xij. pence to be leuied by the
Churchwardeines of the parish where such
offence shall be done, to the vse of the poore
of the same parish, of the goods, lands, and
tenementes of such offendour, by way of
distresse.

Highwaies 6 The Constables and Churchwar- *2. & 3.*
deins of euerie parish shall yearely vppon *Phi. & M.*
the Tuesday or Wednesday in Easter *ca. 8. & 5.*
wke, call together a number of the pa- *El. cap. 13.*
rishioners, and shall then elect and chosse
two honest persons of the parish to bee
Suruei-

The dutie of Churchwardeins. 51

Surueiors and orderers of the workes for one yeare for amendment of the Highways in their parish, leading to any Market Towne: which persons shall take upon them the execution of their sayde offices, upon paine, euerie of them making default to forfeite twentie s. And the saide Constables and Churchwardeins shall then also name and appoint fixe dayes for the amendment of the saide highways before Midsomer then next following: and shall openly in the Church the next Sundaie after Easter giue knowledge of the same fixe dayes. And they also ought to haue one part of the Estreates Indented, & shall call the Constables to account, &c. as it doth appear before in the 30. Article of the Constables office.

See after also in the office of the Surueiors of the High wayes, for leuying those forfeitures, by the Churchwardeins if the Surueiors shall not leuie and employ the same within one yeare after the offence committed.

7 If any person within this Realme shall (without lawefull licence) ^{Eate flesh.} eate anie flesh upon anie dayes nowe vsually obserued as fishdayes, shall forfeite three poundes for euerie such offence, or else suffer three monethes

52 The dutie of Churchwardeins
monethes imprisonment. And euerie per-
son within whose house anie such offence
shall be done, and being priuie or knowing
thereof, and not effectually disclosing the
same to some Publicke Officer hauing au-
thoritie to punish the same, shal for euerie
offence forfeit fourtie shillings: The
thirde part of all which forfeitures shall
be to the vse of the Parish wherein the of-
fence shall be, and to be leuied by the
Churchwardeins after anie conviction in
that behalfe.

Licence to
eate flesh.

The licence for eating of flesh, to be gi-
uen to anie person for notorious sicknesse,
by the Bishoppe of the Diocese, or by the
Parson, Vicar, or Curate of the Parish,
ought to be registred (if that sicknesse
shall continue aboue eight dayes after
such licence granted) in the Church booke
with the knowledge of one of the Church-
wardeins there: and the partie licenced
shall giue liij.s. to the Curate for the entrie
thereof.

5. El. cap. 5.

Destruction
of ver-
min.

8 In euerie parish, the Churchwar-
deins, with sixe other parishioners (to be
required by the Churchwardeins) shall
yearely in one of the holydayes in Easter
weeke, and at euery other time when it
shall be needefull, take and assesse euery
person hauing the possession of any landes

8 El. ca. 19
or 14. El.
cap. 11.

or

The dutie of Churchwardens. 53

or tithes within that parish, to pay such
summes of money as they shall thinke
mete, according to the quantitie of such
their landes or tythes. And if any such
person do denie to pay the same, or doe not
paie the same (within fourtene daies next
after request thereof made by the Church-
wardens, or one of them) then such person
shall forfeit for euerie time v. shillings
which (together with the summe assessed)
shall be leuied by distresse of the goods and
cattels of such person, to be taken by the
Churchwardens, or one of them, the same
distresse to be ordered and vled, as distres-
ses taken for amerciaments in any Courts.
And aswell the said summes as penalties,
(if any of them be so leuied,) shalbe yeare-
ly by the Churchwardens or one of them,
for the time being, deliuered by Billes in-
dented to two honest and substantiall per-
sons of the parish which shalbe elected and
appointed by the Churchwardens, and
shalbe named, The distributors of the pro-
uision for the destruction of noysome foule
and vermine. And if the sayde Church-
wardens, sixe persons, or Distributers, or
any of them, shall refuse, or make default
in the execution of any part of this act,
contrarie to the forme thereof, then such
offendour shall forfeit for euerie default,

54 The Office of Surueiors.

b. li. the one moitie to the Queene, the o^rther to him o^r them (vsing tillage yearely within the same shyre) that will sue there, soze in anie court of Recorde.

For the rest of the office of the Churchwardens, concerning this matter, see afterwarde in the dutie of these Distributers. See also in Constables Artic. 25. for the Gaole money to bee leuied by Churchwardens,

The Office of the Superuisors, Surueighors, or Orderers of the workes for amending of the Highwayes.



Vpon the five dayes ^{2. & 3.} appointed for wo^oking in the highwaies ^{Phi. & M. ca. 8. & 5. El. cap. 13.} in such sozte as is befoze declared in the first Article of the Churchwardens office, euerie person for euerie Blowe land in tillage o^r pasture that hee o^r they shall occupie in the

the same parish, and euerie other person keeping there a draught or plough, shall finde and sende, at euerie day and place to be appointed for the amending of the waies in the parish as is aforesaide, one waine or Cart, furnished after the custome of the countrey, with Oren, Horses, or other cattell, and all other necessaries, mete to carrie thinges conuenient for that purpose, and also two able men with the same, vpon paine of euerie draught, making default tenne shillings. And euerie other housholder, and also euerie cotager and labozer of that parish, able to labour, and being no hired seruant by the yeare, shall by themselues or one sufficient labourer for euerie of them, vpon euerie of the saide fixe dayes, worke and trauell in the amending of the said highwaies, vpon paine of euerie person making default to lose for euerie day twelue pence. And if the cariages of the parish or any of them shall not be thought needefull by the Superuisors to be occupied vpon anie of the saide daies, that then euerie such person that should haue sent any such carriage, shall sende to the saide worke for euerie carriage so spared, two able men there to labour for that daie, vpon paine to lose for euerie man not so sent to the saide worke twelue pence.

And euerie person and carriage aboue-
saide, shall haue and bring with them such
Shouls, Spades, Pickes, Mattocks, and
other tooles and instruments, as they doe
make their owne ditches and fences with-
all, and such as be necessarie for their said
worke. And all the saide persons and car-
riages shall doe and keepe their workes, as
they shall be appointed by the said Super-
uisors, or one of them, viij. hours of euerie
of the said daies, vnlesse they shalbe other-
wise licenced by the said Superuisors, or
one of them.

From henceforth it shall and may be
lawfull to all and singular Supervisor and
Superuisors and orderers of the workes
for the time being, for the amendment of
the said highwaies, therevnto elected and
appointed, according to the statute made
in the second and third yeare of King Phi-
lip and Quene Marie, for the better repa-
ration and amendment of the highwaies
within their seuerall parishes and limits
where they shall be so made Superuisors
(if it shall be so to them thought necessa-
rie) to take and carrie away of the rub-
bish, or smallest broken stones of anie
Quarrie or Quarries lying or being with-
in the parish where they shall be Superui-
sors without licence, controlment or im-
peach

peachment of the owners or owner, so much as by their discretions shalbe deemed and iudged necessarie to the amendment of the said waies. And that for default of anie such quarrie or quarries, it shall and may be lawfull to enerie such Superuifor or Superuifors, for the vse aforesaid, in the seueral grounds of any person or persons, being within the parish, and limits where they shal be Superuifors, and nigh adioyning to the waie or waies wherein such reparations shall be thought necessarie to be made, and wherein grauell, sand or sinder is likely to be found, to digge or cause to be digged, for grauell, sand or sinder, and likewise to gather stones lying vpon anie landes or grounds within the parish, and meete to be vsed to such service and purpose, and thereof to take and carrie away so much as by discretion of the saide Superuifors shall be thought necessarie to be employed in the amendment of the said high waies. Provided alwaies, that it shall not be lawfull to anie such Superuifor, or Superuifors, by vertue of this act, to cause any rubbish to be digged out of anie Quarrie or Quarries, but onely shall extend to such rubbish as shall be found there readie digged by the owner or owners of the said Quarrie or Quarries, or otherwise

therwise by his or their licence and commaundement, nor shall not extende to geue authoritie to any Superuifor or Superuifors to digge or cause to be digged, anie grauell, sande, or sinder in the house, gardaine, orcharde, or medowe, of anie person or persons, nor that it shall be lawfull by this act to anie such Superuifor or Superuifors to cause anie more pits to be digged for grauell in anie seuerall and inclosed grounde than one only, and that the same pitte or hole so digged for grauell as is aforesaide, shall not by anie waie be in breadth or length aboue ten yeards at the most. And that euerie such Superuifour as shall cause anie such pit to be made, and digged for grauell, sand, or sinder, as is aforesaide, shall within one moneth next after anie such digging or pit made, cause the same to bee filled, and stopped vp with earth, at the cost and charges of the Parishioners, vpon paine to forfait to the owner and owners of the soile, wherein anie such pit shall be made and digged, for euerie default, five markes.

From henceforth, euerie such Superuifor and Superuifors, as is aforesaid, shall by force of this act, within the parish or limits, where he or they shall be Superuifors, haue full power & authoritie to turne anie such

5. El. ca. 13.

such water course, or spring of water, being in anie of the saide highwaies, into anie ditch, or ditches of the seuerall groundes or soile of anie person or persons whatsoeuer next adioyning to the saide waies, in such manner and forme, as by the discretions of the saide Superuisors shalbe thought meetest and most conuenient.

Such Superuisor or Superuisors, for the time being within one moneth next after default or offence, made, done, or committed by any person or persons, contrary to the prouision, purpozte, and true meaning of the estatute made (concerning highwaies) in the seconde and thirde yeare of King Philip and Quene Marie, shall present euerie such default or offence to the next Iustice of Peace for the time being, vpon paine to forfeite for euerie such default and offence, in such sort not by them presented, xl. s.

Euerie person or persons (except such as shall dwell in the Citie of London) that shall be assessed to the paiment of anie Subsidie to her Maestie to v.li. in goods, or 40. s. in landes, or aboue, during all such time as hee shall stande so assessed and not altered, and being none of the parties chargeable for the amendment of highwaies by anie former lawe, but as a Cottager,

therwise by his or their licence and commandement, nor shall not extende to geue authoritie to any Superuifor or Superuifors to digge or cause to be digged, anie grauell, sande, or sinder in the house, gardaine, orcharde, or medowe, of anie person or persons, nor that it shall be lawfull by this act to anie such Superuifor or Superuifors to cause anie more pits to be digged for grauell in anie seuerall and inclosed grounde than one only, and that the same pitte or hole so digged for grauell as is aforesaide, shall not by anie waie be in breadth or length aboue ten yeards at the most. And that euerie such Superuifour as shall cause anie such pit to be made, and digged for grauell, sand, or sinder, as is aforesaide, shall within one moneth next after anie such digging or pit made, cause the same to bee filled, and stopped vp with earth, at the cost and charges of the Parishioners, vpon paine to forfeite to the owner and owners of the soile, wherein anie such pit shall be made and digged, for euerie default, five markes.

From henceforth, euerie such Superuifor and Superuifors, as is aforesaid, shall by force of this act, within the parish or limits, where he or they shall be Superuifors, haue full power & authoritie to turne anie
such

5. El. ca. 13.

such water course, or spring of water, being in anie of the saide highwaies, into anie ditch, or ditches of the seuerall groundes or soile of anie person or persons whatsoeuer next adioyning to the saide waies, in such manner and forme, as by the discretions of the saide Superuisors shalbe thought meetest and most conuenient.

Such Superuisor or Superuisors, for the time being within one moneth next after default or offence, made, done, or committed by any person or persons, contrary to the provision, purpozte, and true meaning of the estatute made (concerning highwaies) in the seconde and thirde yeare of King Philip and Quene Marie, shall present euerie such default or offence to the next Iustice of Peace for the time being, vpon paine to forfeite for euerie such default and offence, in such sort not by them presented, xl. s.

Euerie person or persons (except such as shall dwell in the Citie of London) that shall be assessed to the paiment of anie Subsidie to her Maestie to v.li. in goods, or 40. s. in landes, or aboue, during all such time as hee shall stande so assessed and not altered, and being none of the parties chargeable for the amendment of highwaies by anie former lawe, but as a Cottager,

tager, shall finde two able men yearely, to labour in the highwaies, at such daies and times, as by the seuerall Statutes thereof are limited and appointed. And euery other that hereafter shall occupie a plough land in tillage or pasture, lying and being in seuerall Parishes, shall be chargeable to the making of the waies within the parish where he dwelleth, as farre forth, and in such manner and forme, as any person hauing a plough lande, in any one parish, is or ought to be chargeable, by reason of the said former Statutes, or either of them. And euery person or persons, occupying and keeping in his or their handes or possessions, seuerall or diuerse plough landes, as aforesaide in seuerall or diuerse towne, shall be charged to finde in ech towne or parish (where the ploughlands being in his occupying doe lie) one Cart, Waine, Tumbrell, dung Pot, or Court, Sleads, Carres, or Drags, furnished for the amendment and repaying of the highwaies within the seuerall parishes where the saide plough lands doe lie, in such manner and forme, as if he or they were a Parishioner dwelling within the parishes, where the same seuerall plough lands do lie.

Euery person or persons, that shall not
repaire

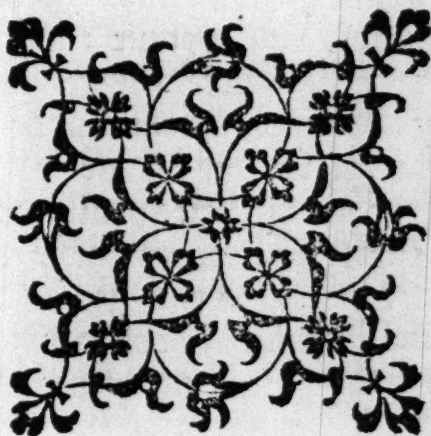
repaire, ditch, or scower, anie haies, fences, ditches, or hedges adioyning to anie highwaie or common fairing way, or shall not cutte downe or keepe lowe all trees and bushes, growing in or next adioyning to any the said waies, according to the true intent and meaning of the act made in the fifth yere of the Quenes Maiesties raigne that now is, for every offence committed therein contrarie to the true intent thereof, shall forfait and lose for everie default ten shillings. And all and every person and persons that shall occupie anie landes adioyning to the said ground, so adioyning to any such highwaie, or common fairing waie, where anie ditching, or scouring should or ought to be as aforesaide, shall from time to time, as neede shall require, ditch and scower in his and their groundes so adioyning, whereby the water conveyed from the said highwaie, or common fairing waie, over the ground next adioyning, maie haue passage over the saide ground, so next adioyning to that ground, upon paine of forfeiture for everie time so offending, for everie roode not so ditched and scoured, xij. s.

No person or persons having anie ground by lease or otherwise, adioyning to anie high way, or common fairing way, leading

leading to anie market towne, shall cast
 oꝛ scowze anie ditch, and thꝛowe, oꝛ lay
 the soile thereof into the high waie, and
 suffer it to lie there by the space of six mo-
 neths, to the annoyance of the saide high-
 way, oꝛ common fairing way, vppon
 paine of forfaiture foz euery load of soyle,
 so cast into the high waie, oꝛ common fai-
 ring waie, in ditching oꝛ scowzing xij. s. v.
 And where anie heretofore haue bene so
 cast into the high way, oꝛ common fairing
 way, that there is a banke betweene the
 said way and the ditch, it shall be lawfull
 foz the Surueiours and workmen, by the
 Lawes and Statutes of this realme, ap-
 pointed foz the amendment of the saide
 waies, to make slewces oꝛ other deuises
 by their discretions, to conuey the water
 out of the saide waie into the ditch: anie
 law, right, interest, custome, oꝛ vsage, to
 the contrarie notwithstanding.

Enerie penaltie, summe oꝛ summes of
 money forfeited foz anie cause within this
 statute, shall be leuied in euery parish by the
 Surueiours of the waies within that parish
 foz the time being, by distresse, and sale of
 distresse, in manner and forme as fines oꝛ
 amerciamentes in Leetes haue bene vs-
 ed, and the money so leuied, to be em-
 ployed vppon the high way, oꝛ common
 fairing

fairing way where the offence was committed. And if the Surueyors shall not or will not leuie & employ the same within one yeare after the offence so committed, that then the said summe or summes, forsaithure or forsaithures, shall be leuied in forme aforesaide, by the Constables or Churchwardeins of the towne or parish where the worke ought to be done in the highway (as aforesaide) and that he or they so leuying any of the saide penalties or forsaithures, shall make and yeld such account as is appointed in the befoze recited Statutes, or either of them.



THE

The Office of the Distributers of the prouision for the destruction of noysome foule and Vermine.



These Distributers being ^{3.El.c.19.} so chosen, & hauing mo- ^{6.14.El.} ney, (as is before shewed ^{ca.11.} in the viii. Article of the Churchwardeins office) shall giue and paie of the same money so to them deliuered to euery person that shall bring to them anie heads of olde Crowes, Choughes, Wyres, or Kookes, taken with in the severall parishes, for the heads of euerie thre of them a pennie: and for the heades of euerie fyre young Crowes, Choughes, Wyres, or Kookes taken, as is aforesaide a penie, and for euerie vij. egges of any of them unbroken a penie: and likewise for euerie xij. Starcs heads a penie. All which saide heads and egges, the saide Distributers in some conuenient place shal keepe, and shall euerie moneth at the least bring forth the same before the saide Churchwardeins and taxors or thre of them, and then and there to them shall make

of the prouision for the dest. &c. **C**

make a true account in writing, what
they haue layed forth and payed
for the heads and egges, and for the heads
of other rauenous birdes & vermin,
as are hereafter in this act mentioned.
That is to say: for euerie head of Perton,
Pauke, Furskyte, Polokyte, Bullaroe,
Schagge, Carmerant, or Kingtaile, 9. d.
and for euerie two egges of them, a penie;
for euerie Iron or Disraies head, 12. d. for
the head of euerie Woodwall, Pye, Jay,
Kanen or Wite, a penie: for the head of eu-
erie birde, which is called the Kings fis-
her, 1. d. for the head of euerie Bulfinch
or other birde, that deuoureth the blouthe
of fruite, one penie: for the heads of euerie
Fox, or Grey, 12. d. and for the heads of
euerie Fitchew, Polcat, Welsell, Skote,
Faice, Badger, or Wilde cat, 1. d. for the
heads of euerie Otter, or Hedgehog, 6. d.
for the heads of euerie 12. Rats, or 12.
Mice, 1. penie, for the heads of euerie
Molewarpe, or Tillant, an halfe penie: for
the heads of euerie which birdes and ver-
mine last mentioned, the last Distributers
shall likewise paie and glue to the buyer
of them, for euerie head kilde and taken
within their seneral parish, as before is li-
mitted, and shall keepe the same to be shew-
ed forth vpon their account in manner
and

46 The Office of Distributers

and forme as is aforesaid. All which saide
heads and egges shall be forthwith after
such account made in the presence of the
saide Churchwardenes, and Parors, or of
three of them, burned, consumed, or cut in
quarter. And if upon any account to be
made, in the end and determination of the
office of any such Distributers, it shall ap-
peare that any summe of money is re-
maining in the handes of the saide Distri-
buters, or any of them, then the same shall
be by Bill indented, as is aforesaid, delive-
red over to such persons, as he or shall be
elected to the saide Office, for the yeare
next following, by them to be distributed
as is aforesaid. This shall not in anie
wise extende, to give anie libertie or au-
thorite to anie person or persons, to vse
or exercise anie meanes or engine, for the
destruction of Crookes, or Rookes,
Thonghes, or other the beverine aforesaid
in any place or places, to the disturbance,
let or destruction of the building or bre-
ding of any kinde of Hawkes, Herons,
Griffes, Baupers, Swannes, or Shou-
lers: or to the hurt and destruction of any
Domes, Dovehouses, Dore, or Warren
of Coneyes; nor extende to give or appoint
any summe or summes of money to be gi-
ven, payed, or distributed, to any person

of the provision for the death &c. 67

or persons, for the head or heads of any
Bulard, Kingtalle, Verne, Volcat, or
chewe, or Stote, taken in any Park, War-
ren, or ground; employed to the main-
tenance of any game of Conies, or to any
stares taken in Dovehouses; nor to the
killing or bringing the head of any

Wite, or Raven, killed in any ci-

tie or Towne Corporate,

or within two miles

of the same.



E 2

The

The Office and dutie of
the Collectors, and over-
seers, for the poore, settled in
their abiding places.



Justice of Peace 14.El.ca.5
in all the Shires of En- & 18.El.
gland and Wales, and the ca.3.
Baillies, Bailifes, Sheri-
fes, and other officers
of the Cities, Boroughes
and Franchises, where

of they be Justices of Peace, having ap-
pointed within the limites of their sever-
all auctorities convenient abiding places
for setting of the poore people, and having
also assessed the inhabitants within the
same limits towarde a weekely contribu-
tion for the reliefe of the same poore peo-
ple, ought then also to appoint collectors &
overseers for one whole yeare: which saide
Collectors shall gather the said weekely
contribution, and shall make delivrie of
so much thereof to the saide poore people, as
the said Justices, Baillies, Sherifes, Bai-
lifes, and other officers shall appoint
them. And if the saide Overseers shall re-
fuse to be overseers, then everie of them so
offen

offending shall forfeit tenne shillings for
everie such default. And if any person so
appointed to be Collector, shall refuse the
said office, or shall (after he hath agreed to
it) neglect the same, he shall lose for everie
offence to the use of the poore of the same
place fortie shillings.

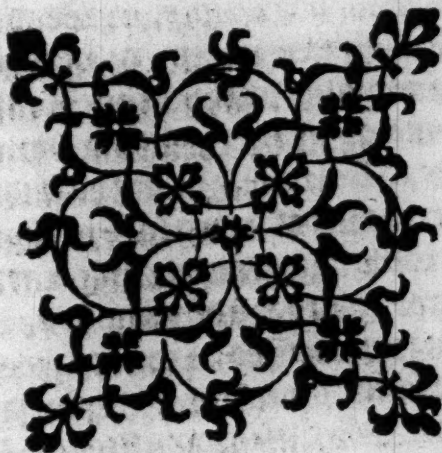
The saide Collectors, & every of them,
to be chosen, as is aforesaide, shall make
their iust account halfe yearely of their
saide collection and gathering, to two Iu-
stices of the Peace, dwelling next the saide
abiding place or places, not being within
any Citie, borough, or Town Corporate:
or to the Maiors or other chiefe Officers
of such Citie or Townes Corporate, and
when they goe out of their Offices, they
shall deliver or cause to be delivered forth
with vpon their accountes, all such sur-
plusages of their Collection and gather-
ing, as shall then remaine undistributed
to be ordered by the saide Iustices, Maiors,
Bailifes, or other head Officers, vpon the
paine of tenne poundes. If any such Col-
lector shall refuse to make his saide ac-
count, or neglect the same by the space of
fourtene dayes after request to him there-
fore made: then the saide two Iustices, or
one of them, may commit the saide Colle-
ctor to the next Gaole in the said countie,

there to remaine without Baile or Main-
prife, till he haue made his said account, &
immediate payment, and deliuerie, of all
such Surplusages as he hath receiued.

No person or persons, hauing charge
of any voyage in passing from the Realme
of Irelande, or from the Isle of Man into
this Realme of Englande, do wittingly, or
willingly transport; bring, carrie or con-
ueigh, or suffer to be transported, brought,
carried, or conueighed, in any ship, picard,
vessel, boate, or boates, from and out of the
saide Realme of Irelande, or from, or out
of the saide Isle of Man, into the Realme
of Englande or Wales, or any part thereof,
any Wagabonde, Rogue, or Begger, or a-
ny such as shalbe forced, or verie like, to
liue by begging within the Realmes of
Englande or Wales, being borne in the
Realme of Irelande, or in the saide Isle of
Man, on paine of every such person or per-
sons, so bringing, transporting, carrying &
conueighing, either suffering to be brought
transported, carried, & conueighed in ma-
ner and forme aforesaid, to forfeit and lose
for euerie such Wagabond, Rogue, begger,
or other person, which shal be forced, or like
to liue by begging within this Realme of
England or Wales, being transported, and
set on land in any part of England, or of
Wales,

Collectors for the poore. 71

Wales, twentie shillings of lawful English money, to the vse of the poore of the same parish in which they were set on land, to be lent by the Collectors of the same poore for the time being, by seizure & selling of any of the goods and cattels of the same person which shall so bring, transport, carrie, or conueigh, any such Rogue, Vagabond, or begger, or other person which shall be forced, or like to live by begging, within the Realme of England or of Wales, to the value of the same forfeiture.



The Office of the Collectors and Gouvernors of the poore.



In euerie Citie and towne Corporate within this Realme, a competent store and Stock of Wool, Hemp, Flax, Iron, or other stuffe by the appointment and order of the Maior, Bailiffs, Iustices, or other head Officers, hauing rule in the said Cities or Townes Corporate (of themselves, and all other inhabitants within their seuerall authorities, to be taxed, leuied, and gathered) shall be provided. And that likewise, in euerie other Market towne or other place, within euerie countie of this Realme, (where to the Iustices of the Peace, or greater part of them, in their generall Sessions yearely next after Easter, within euerie limit shalbe thought meete and conuenient) a like competent store and stocke of Wool, Flax, Iron, or other stuffe, as the countrey is mooste meete for, by appointment and order of the saide Iustices of Peace, or the greater part

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parted of them in their generall Sessions,
(of all the inhabitants within their sene-
rall authorities to be taxed, leuied, and
gathered) shall be provided. The saide
stroes and stockes, in such Citie and
townes corporate, to be committed to the
hands and custodie of such persons, as shall
by the Maior, Bailifes, Iustices, or other
head Officers, hauing authoritie in enerie
such Citie, or Towne Corporate, be ap-
pointed: and in other townes and places,
to such persons, as to the saide Iustices of
Peace, or the greater parte of them in
their said generall Sessions of the peace in
their seuerall Counties shall be by them
appointed. Which said persons so appoin-
ted as aforesaide, shall haue power and
authoritie (by the aduise of them who doe
appoint them) to dispose, order, and giue
rules, for the diuision and maner of wor-
king of the saide stockes and stroes, who
shall from henceforth be called, the Col-
lectors and gouernors of the poore, to the
intent enerie such poore and needie per-
son, olde or yong, able to doe anie worke,
standing in necessitie of reliefe, shall not
for want of worke goe abroad, eyther
begging, or committing pilfrings, or o-
ther misdemeanour living in idleness:
which Collectours and Gouvernors of the
poore,

74 The office of the Collectors

poze from time to time (as cause requi-
 reth) shall and may of the same stocke and
 store, deliuer to such poze and needie per-
 son, a competent portion, to be wrought
 into yarne or other matter, within such
 time, and in such sort, as in their discreti-
 ons shal be from time to time limitted and
 prescribed, and the same afterwarde being
 wrought, to be from time to time deliue-
 red to the said Collectors and Gouvernors
 of the poze: for which they shal make pai-
 ment to them that worke the same, accor-
 ding to the desert of the worke: and shall
 of newe deliuer more to be wrought, and
 so from time to time to deliuer stuffe br-
 wrought, and to receiue the same againe
 wrought, as oft as cause shall require:
 which Hemp, Woll, Flax, or other stuffe,
 wrought from time to time shall be sold
 by the saide Collectors and gouernors of
 the poze, either at some Market, or other
 place, and at such time as they shal thinke
 meete, and with the money comming of
 the sale, to buy more stuffe, in such wise as
 the stockes or store shall not be decayed in
 value. And if hereafter anie such person
 able to doe anie such worke, shall refuse to
 worke, or shall go abroad, begging, or liue
 idely, or taking such worke shall spoile or
 imbesell the same, in such wise, that (after
 moniti-

and Gouvernors of the poore. 75

monition giuen) the Minister of Church-
wardens of the parish, and Collectors and
Gouvernors of the poore, or the more parte
of them, shall thinke the same person not
méte to haue any more worke deliuered
out of the same stoe or stocke, that then
vpon Certificat made vnder their handes,
and brought by one of the saide Collectors
and gouernors of the poore, to the handes
of such person or persons as shall in that
countie haue the ouersight and gouerne-
ment of one of the houses of Correction, in
conuenient apparel méte for such a bodie
to weare, he, she, or they, from such towne,
place, or parish, shall be receiued into such
house of Correction, there to be straitely
kept, as wel in diet, as in worke, and also
punished from time to time, as to the saide
persons, hauing the ouersight and gouern-
ment of the said house of Correction shall
be appointed, as hereafter is declared. All
which stockes and stoies, shall be prouided
and deliuered to the handes of the said

Collectors and gouernors of the
poore at all times here-
after, as occasion
shall serue.

The

76 The duties of the Censors and
The duties of the Censors
 (or Wardeins) and of the
 Collectors for the houses
 of Correction.



Within enerie countie of ^{18. Elca 3.} this realme, one, two, or more abiding houses, or places convenient in some Market towne, or corporate towne, or other place or places, by purchase, lease, building, or otherwise, by the appointment and order of the Iustices of Peace, or the more parte of them in their generall Sessions (of the inhabitants within their senerall authorities to be taxed, leuied, and gathered) shalbe prouided, and called the house or houses of Correction: and also stocke & tooles and implements, to be in like sort also prouided, for setting on worke and punishing, not onelie of those which by the Collectors and gouernours of the poore, for causes aforesaide to the said houses of correction, shalbe brought, but also of such as be or shalbe, inhabiting in no parish, or be, or shalbe taken as Rogues, or once punished as Rogues, and by reason of the vicious

Collectors for the houses of correct. 77

22. a3.
certaintie of their birth, or of their dwelling by the space of three yeares, or for any other cause, ought to be abiding and kept within the same countie: which said houses or houses of Correction, with stocks, stozes, and implementes appointed for such houses of Correction, shall be provided in everie countie, within such time as to the Iustices of Peace, or the more part of them in their said generall Sessions of the peare in everie countie, within their severall jurisdictions, shall be thought mete and convenient, so as it excede not two yeares after taxation in such countie for that purpose made, or else the monie lent to be repaid. And that everie person refusing to pay, or not paying such summe of money, towards the making, obtaining and furnishing of the saide houses of Correction, and buying of stocks and stozes, and for the reliefe and sustentation of such persons as shall bee appointed to the saide houses of Correction, as upon them or any of them, shall be by order aforesaide taxed, and at such time (as by the same order shall be appointed) shall for everie default forfeit double so much as he or they shall be so taxed unto. And the said Iudices of peace, or the more part of them in their said generall sessions, in everie countie, shall and may appoint

78 The duties of the Censors, and
appoint from time to time, persons which
shall be Overseers of enerie such house of
Correction; which said persons shal be cal-
led the Censors and Wardeins of the hou-
ses of Correction, and shall haue the rule,
gouernement, and order of such houses of
Correction, according to such orders as by
the said Iustices of peace, or the more part
of them in their generall Sessions in euery
countie, shal be prescribed. And the said
Iustices shall also appoint others for the
gathering of such money, as shall be taxed
vpon anie person or persons, within their
seuerall iurisdictiones, towarde the main-
tenance of the saide houses of Correction,
which shal be called the Collectors for the
houses of Correction: and if anie person or
persons refuse to be Collector and gouer-
nor of the poore, or Censor and Wardein,
or Collector of or for anie the houses of
Correction, euery person so refusing, shall
forfaite and lose the summe of five pound.
And all and singular person and persons,
appointed by the auctoritie of this act to
be anie Collector and gouernor of the
poore, or Censor & Wardein, or Collector
for anie the houses of Correction in anie
countie, citie, towne corporate, or other
place in this Realme, shal as often as they
or any of them shal be called thereto by the
persons

Collectors for the houses of correct. 79

persons having the appointment of them, make a iustt account of all such summe or summes of money or other things, as they or any of them haue gathered, had, or raised in commoditie, within their seuerall collections or charge: and if anye such Collector or gouernor of the poore, Collector, Censor, or Wardeine of or for the houses of Correction, refuse to make such account, or neglect the same by the space of xiiij. dayes next after request therfore to him made, or shall not within one weeke, after such account rendred, yelde and paie the whole arrearages, which he or they (bp. on such account) shall be found in, to such person or persons, as they shall be appointed vnto, by them before whom their saide account shall be taken: that then the saide Collector, Gouernor, Censor, or Wardein to be committed to any vsuall Gaole within the said countie, there to remaine without baile or mainprise, till he haue made his account and paiment of such arrearages as he hath receiued: vppon the making of which account it shall & may be lawfull to such persons as haue the appointment of the said Collectors and gouernors of the poore, Censors, Wardeins & Collectors of the houses of Correction (euery of them within their auctoritie) to allowe, as well
such

So . The duties of the Censors, &c.

such reasonable allowance to euerie the
said Collectors & Gouvernors of the poze,
Censors, Wardeins and Collectors, of the
houses of correction. for such money as they
or any of them haue employed or disburs-
ed in the execution of the saide generall
offices, as also such reasonable fees &
wages for their paines taken in
that behalfe, as to them
shall be thought con-
uenient and rea-

sonable.

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